

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

May 15, 2008

Charles R. Fulbruge III
Clerk

No. 07-31070
Summary Calendar

SCOTT ANTHONY BURAS

Plaintiff-Appellant

v.

TEI SEALING SYSTEMS LLC; TETRALENE INC;
TETRALENE ELASTOMER INC.

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Louisiana
(2:06-CV-6713)

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Scott Anthony Buras appeals the grant of summary judgment by the district court. That judgment dismissed the action filed by Buras alleging employment discrimination; specifically, constructive discharge resulting from alleged male-on-male sexual "horseplay" by fellow employees and supervisors of Buras. The district court's summary judgment dismissed Buras's complaint for failure to make out a prima facie case of

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

employment discrimination, granting the motion because of the total absence of probative evidence: Nothing was before the court except (1) the unsworn conclusional and self-serving statement of Buras, (2) a short, hearsay statement from his brother (also unsworn), and (3) the deposition of one Otis Earlycutt, formerly an employee of the defendants and supervisor of Buras, which deposition was totally devoid of evidence supporting allegations of the Buras complaint.

The sole basis of the appeal is the purported post-judgment "errata" statement by Earlycutt, which Buras claims sheds a different light on the matter. Our careful examination of the record on appeal and the briefs of the parties refutes that contention and satisfies us that the district court correctly granted summary judgment dismissing Buras's action; moreover, that even if the errata attributed to Earlycutt had been before the district court, the result would have been the same and the summary judgment would stand.

AFFIRMED.